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COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Senegal

1. The Committee considered the initial report of Senegal (CRC/C/3/Add.31) at its 247th, 248th and 249th meetings (CRC/C/SR.247-249), held on 8 and 9 November 1995 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Senegal for engaging, through a high-ranking delegation, in a constructive dialogue with the Committee. The Committee regrets, however, that the report has not followed the guidelines for the preparation of States parties' initial reports and that some areas covered by the Convention have not been addressed therein.

B. Positive factors

3. The Committee, noting the long-standing attachment of the State party to international human rights instruments and recalling its active participation in the drafting process of the Convention, expresses satisfaction at the early ratification of the Convention by Senegal.

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* At the 259th meeting, held on 17 November 1995.

4. The Committee welcomes the fact that Senegal applies the principle of the primacy of international human rights standards over national legislation. The Committee also notes with satisfaction the fact that the Convention is self-executing and that its provisions may be invoked before the court.

5. The Committee notes with satisfaction the active role played by Senegal to promote awareness of children's rights, as reflected in the 1992 Dakar International Conference on the Assistance to the African Child and at the recent African Preparatory Meeting for the Fourth World Conference on Women, during which particular attention was paid to the situation of the girl child.

6. Specific initiatives adopted in the context of the ratification of the Convention are also welcomed, including the establishment of Children's Parliaments at the national and regional levels, the establishment of a Presidential Committee to ensure follow-up to the World Summit for Children and the promotion of the Movement of Mayors for Children.

C. Factors and difficulties impeding the application of the Convention

7. The Committee acknowledges the economic difficulties encountered by the State party, particularly those arising from the implementation of the structural adjustment policies and the recent devaluation of the CFA franc.

D. Principal subjects of concern

8. The Committee is concerned that some traditional cultural attitudes towards children may hamper the full enjoyment of the rights embodied in the Convention by children in Senegal. An understanding of children as subjects of rights has not yet penetrated all strata of Senegalese society.

9. The Committee is concerned at the insufficient attention paid to the systematic training of professional groups working for children, including teachers, social workers, judges and law enforcement officials.

10. The Committee is concerned at the insufficient measures taken to ensure a system of data collection relevant for monitoring the implementation of the Convention; disaggregated data and appropriate indicators would allow for an assessment of progress to be made in all areas, in relation to all groups of children, at the national, regional and local levels.

11. The Committee is also concerned at the insufficient steps taken to ensure the full conformity of national legislation with the provisions of the Convention. The Committee notes in particular the lack of conformity of legislative provisions in matters relating to the legal definition of the child. The early and lower marriageable age for girls compared with boys raises serious questions as to its compatibility with the Convention, in particular article 2. The discrepancy between the age for completion of compulsory education and the minimum age for admission to employment is another matter of concern. The lack of a minimum age below which children are presumed not to have the capacity to infringe penal law is also noted with concern.

12. The Committee is particularly concerned at the insufficient measures to ensure the effective implementation of the principle of non-discrimination. In this regard, it notes the persistent discriminatory attitudes towards girls, also reflected in their notably lower school attendance and their higher drop-out rate. It also regrets the prevailing de facto and de jure discrimination towards children born out of wedlock.

13. With regard to article 4 of the Convention, the Committee is concerned about the inadequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources. The proportion of GDP allocated to health according to the recommendations of the World Health Organization.

14. The absence of compulsory and free education at the primary level raises deep concern.

15. The Committee is seriously worried at the difficult living conditions faced by a great number of talibés, who are deprived of the enjoyment of their fundamental rights under the law.

16. The Committee expresses its concern about the number of working children, particularly those working in the informal sector, and about the situation of girls working as domestic servants.

17. The Committee is also concerned about the inadequacy of the existing juvenile justice system and its lack of compatibility with the Convention.

E. Suggestions and recommendations

18. The Committee encourages the Government to pursue its efforts aiming at promoting advocacy and awareness and understanding of the Convention and having its basic principles grasped by the general public, in particular by ensuring the translation of the Convention in all national languages and paying particular attention to people living in rural areas. The Government should pursue such efforts in close cooperation with community and religious leaders, with a view to promoting change in persisting negative attitudes towards children, particularly girls, and to abolishing practices prejudicial to the health of children, in particular female genital mutilations.

19. The Committee also encourages the State party to ensure on a systematic basis training activities on the Convention to professional groups working with and for children, including teachers, judges, social workers, law enforcement officials and personnel entrusted with the task of ensuring data collection in the areas covered by the Convention.

20. The Committee recommends that a permanent and multidisciplinary coordinating mechanism be developed for monitoring and evaluating the progress achieved in the implementation of the Convention.

21. The Committee also recommends that measures be taken to improve the system of collecting statistical and other data in all areas covered by the Convention and on the basis of appropriate indicators at the national, regional and local levels. Such a system should include all groups of children, while paying particular attention to the most vulnerable groups, including poor children, girls, domestic servants and talibés.

22. The Committee suggests that special efforts be developed to ensure an effective system of birth registration, in the light of article 7, to ensure the enjoyment of the fundamental rights of the Convention by all children without discrimination and as a meaningful tool to assess prevailing difficulties and to promote progress.

23. With respect to the implementation of article 4 of the Convention, the Committee recommends that particular attention be paid to the need to ensure budget allocations, to the maximum extent of available resources, to implement economic, social and cultural rights in the light of the principles of non-discrimination and the best interest of the child. Efforts should be pursued to reduce the negative impact on children of policies of structural adjustment.

24. The Committee recommends that the State party ensure that national legislation conforms fully to the provisions and principles of the Convention, in the light of the concerns identified by the Committee and of the study on a comprehensive law reform conducted under the auspices of UNICEF. The principles of the Convention including those relating to the best interests of the child and the prohibition of discrimination and of participation of children in matters affecting them should be reflected in domestic law. Specific provisions should be included with a view to clearly forbidding female genital mutilation and any form of torture or cruel, inhuman or degrading treatment or punishment, as well as of any form of corporal punishment within the family. Adequate legislative and other measures should also be taken to establish a complaints procedure for children whose fundamental rights have been violated.

25. The Committee recommends that legislative measures be taken to establish a definition of the child in the light of the Convention, including with a view to ensuring an equal age for marriage for girls and boys in the light of article 2, a minimum age of criminal responsibility in the light of article 40, paragraph 3 (a), and an equal age of completion of compulsory education and minimum age for admission to employment, in the light of articles 28, 29 and 32. The Committee also recommends that the principle of non-discrimination be clearly reflected in the law, including in relation to children born out of wedlock.

26. The Committee recommends that in the process of a comprehensive law reform consideration be given to the full implementation of the principles and provisions of the Convention and of other relevant United Nations standards in the field of the administration of juvenile justice, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, aiming at a child-oriented system in the light of the best interests of the child.

27. The Committee further recommends that reform of child labour legislation should address the situation of children working in the informal sector, paying due attention to domestic service, in the light of the recommendations made in the study prepared under the auspices of ILO. In this regard, the Committee would like to suggest that the State party consider requesting technical assistance from ILO.

28. The Committee suggests that further steps be taken to strengthen the education system, particularly in the rural areas, to improve the quality of teaching and to reduce drop-out rates. The Committee also recommends that the State party adopt all necessary measures to ensure a system of compulsory and free primary education, on the basis of equal opportunity, paying due regard to the situation of girls.

29. The Committee recommends that in the implementation process of the Convention the State party pay special attention to the situation of talibés. Further measures should be adopted to ensure the effective enjoyment of their fundamental rights and that they are protected against any form of discrimination. Efforts should be made to ensure an effective monitoring system of their situation by the State party, in close cooperation with religious and community leaders.

30. In the light of article 44, the Committee suggests that the initial report presented by Senegal be made widely available to the public at large and that the publication of the report be considered, along with the summary records of the discussion and the concluding observations adopted thereon by the Committee.